



STATUTORY INSTRUMENTS.

S.I. No. 496 of 2013

THE EUROPEAN COMMUNITIES (LAWYERS' ESTABLISHMENT)
REGULATIONS 2003 (QUALIFYING CERTIFICATE 2014)
REGULATIONS 2013

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REGULATIONS 2003 (QUALIFYING CERTIFICATE 2014)
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The Law Society of Ireland, in exercise of the powers conferred on them by the European Communities (Lawyers' Establishment) Regulations 2003 (S.I. No.732 of 2003, S.I. No.752 of 2004 and S.I. No.96 of 2008) hereby make the following Regulations:

Citation and commencement

1. (a) These Regulations may be cited as The European Communities (Lawyers' Establishment) Regulations 2003 (Qualifying Certificate 2014) Regulations 2013.
- (b) These Regulations are intended to give effect to the Lawyers' Establishment Directive as provided for in the 2003 Regulations.
- (c) These Regulations shall come into operation on the 1st day of January 2014.

Definitions

2. (a) In these Regulations, unless the context otherwise requires:

“Act of 1954” means the Solicitors Act 1954 [No.36 of 1954];

“Act of 1960” means the Solicitors (Amendment) Act 1960 [No.37 of 1960];

“Act of 1994” means the Solicitors (Amendment) Act 1994 [No.27 of 1994];

“applicant registered lawyer” means the registered lawyer the subject matter of an application;

“application” means the application delivered to the Registrar by an applicant registered lawyer for a qualifying certificate for the practice year, pursuant to Regulation 3 of these Regulations;

“Compensation Fund” means the fund maintained by the Society pursuant to Sections 21 and 22 (as substituted, respectively, by Sections 29 and 30 of the Act of 1994) of the Act of 1960;

“lawyer” means any person who is an Irish citizen or a national of a member state and who is authorised to pursue his or her professional

*Notice of the making of this Statutory Instrument was published in
“Iris Oifigiúil” of 20th December, 2013.*

activities in a member state under any of the professional titles specified in the Schedule to the 2003 Regulations.

“Lawyers’ Establishment Directive” means Directive 98/5/EC of the European Parliament and of the Council of 16 February 1998 to facilitate practice of the profession of lawyer on a permanent basis in a member state other than that in which the qualification was obtained and includes—

- (i) a measure which is in force by virtue of the Agreement between the European Community and its member states, of the one part, and the Swiss Confederation, of the other, on the free movement of persons done at Luxembourg on 21 June 1999; and
- (ii) the Decision of the EEA Joint Committee No. 85/2002 of 25 June 2002 amending Annex VII (Mutual Recognition of Professional Qualifications) to the EEA Agreement and having an effect corresponding to that of the Directive;

“member state” means:

- (i) a contracting party (other than the State) to the EEA Agreement [being the Agreement on the European Economic Area signed in Oporto on 2 May 2002, as adjusted by the Protocol to that Agreement done at Brussels on 17 March 1993] or,
- (ii) the Swiss Confederation,

and, where appropriate, means more than one member state;

“practice year” means the calendar year ending on the 31st day of December 2014;

“qualifying certificate” means a certificate issued by the Registrar to a lawyer in accordance with Regulation 8 of the 2003 Regulations certifying that the lawyer is qualified to pursue the professional activities of a solicitor;

“Register of Registered Lawyers” means the register established under Regulation 7 of the 2003 Regulations;

“registered lawyer” means a lawyer in respect of whom a registration certificate is in force;

“Registrar” means the registrar of solicitors for the time being appointed pursuant to Section 8 of the Act of 1954;

“registration certificate” means a certificate issued by the Society to a lawyer in accordance with Regulation 6 of the 2003 Regulations;

“Registration Fee” means the fee payable by a registered lawyer admitted to the Register of Registered Lawyers for three years or more on the 1st day of January 2014 or the fee payable by a registered lawyer admitted to the Register of Registered Lawyers for less than three years on the 1st day of January 2014;

“Regulation of Practice Committee” means the committee to whom functions of the Society pursuant to Part V of the Act of 1954, as amended and extended by Part VI of the Act of 1994, have been delegated by the Council of the Society;

“Society” means the Law Society of Ireland, as the competent authority provided for in Regulation 4 of the 2003 Regulations;

“2003 Regulations” means the European Communities (Lawyers’ Establishment) Regulations 2003 (S.I. No.732 of 2003) as amended by the European Communities (Lawyers’ Establishment) (Amendment) Regulations 2004 (S.I. No.752 of 2004 and S.I. No.96 of 2008).

- (b) Other words and phrases in these Regulations shall have the meanings assigned to them by the Solicitors Acts 1954 to 2011 or the Lawyers’ Establishment Directive or the 2003 Regulations where the context so permits.
- (c) The Interpretation Act 2005 applies to the interpretation of these Regulations as it applies to the interpretation of an Act of the Oireachtas.

Application for qualifying certificate

- 3. (a) An applicant registered lawyer shall deliver or cause to be delivered to the Registrar at the Society’s premises at George’s Court, George’s Lane, Dublin 7, on or before the 1st day of February 2014, an application which:
 - (i) shall be in the form as set out in the First Schedule to these Regulations;

and

 - (ii) shall be duly completed and shall be personally signed by the applicant registered lawyer.
- (b) The Registrar shall, on receipt of an application pursuant to clause (a) of this Regulation and on the Registrar being of the opinion that there is or are no appropriate and reasonable ground or grounds for not doing so, cause to be issued to the applicant registered lawyer concerned a qualifying certificate which shall be dated either—
 - (i) the 1st day of January 2014, where issued during the period beginning on the 1st day of January 2014 and ending on the 1st day of February 2014, or

(ii) the date on which it is issued, where issued after the 1st day of February 2014.

(c) An application pursuant to clause (a) of this Regulation shall be deemed to have effect subject to and having regard to the terms of the guidance notes as set out in the Third Schedule to these Regulations.

Where confirmation is required as to content of an application

4. (a) The Registrar, at any time following delivery to the Registrar by an applicant registered lawyer of an application (whether or not a qualifying certificate has been issued by the Registrar to the applicant registered lawyer pursuant to Regulation 3(b) of this Regulation), may, where the Registrar deems it appropriate and reasonable to do so, require the applicant registered lawyer to confirm in writing to the Society the accuracy of all or any specified part or parts of the application.

(b) Where, on receipt by the Society of a confirmation in writing from an applicant registered lawyer required by the Registrar pursuant to clause (a) of this Regulation, the Registrar deems it appropriate and reasonable to do so, the Registrar may require the applicant registered lawyer to attend before a meeting of the Regulation of Practice Committee to further confirm the accuracy of all or any specified part or parts of the application.

Misconduct of knowingly furnishing false and misleading information

5. An applicant registered lawyer who, in an application delivered to the Registrar, knowingly furnishes information that is false or misleading in a material respect shall be guilty of misconduct.

Registration Fee, contribution to Compensation Fund and contribution for Solicitors Mutual Defence Fund

6. As and from the coming into operation of these Regulations, the Registration Fee together with the contribution to the Compensation Fund and the contribution for the Solicitors Mutual Defence Fund Limited, as specified in the Second Schedule to these Regulations, shall be paid to the Society by an applicant registered lawyer on delivery to the Registrar of his or her application.

Fee for copy of entry on File A or File B

7. The fee payable to the Society by a person who applies to the Registrar, pursuant to Section 17 of the Act of 1960, for a copy of an entry on File A or File B shall be as specified in the Second Schedule to these Regulations.

Issue of duplicate qualifying certificate

8. Where a registered lawyer to whom a qualifying certificate for the practice year has been issued pursuant to Regulation 3(b) of these Regulations, certifies to the Registrar that his or her qualifying certificate has been inadvertently destroyed, lost or mislaid, such registered lawyer may apply to the Society for a duplicate original of such qualifying certificate on duly discharging the fee specified in the Second Schedule to these Regulations and on duly undertaking to

the Registrar that, in the event of the qualifying certificate as originally issued being subsequently found in the course of the practice year, that same practising certificate would forthwith be returned to the Registrar.

Where conditions attached to qualifying certificate

9. (a) Where a qualifying certificate for the practice year is caused to be issued by the Registrar to a registered lawyer subject to a specified condition or conditions, the qualifying certificate shall be endorsed with the words (adapted as appropriate): “*Issued subject to [a] specified condition[s] as annexed*” and the Registrar at the same time shall cause to be issued to the solicitor concerned a separate document (deemed to be part of the qualifying certificate) headed with the Society’s crest and title and with the words (adapted as appropriate): “*Annexe to qualifying certificate of [name of registered lawyer] of [a] specified condition[s] attached thereto and applicable as and from [date of commencement of applicability of the specified condition or conditions]*” and setting out the text of each specified condition.
- (b) Where the Society gives a direction pursuant to Section 59 of the Act of 1994 that the qualifying certificate already issued to a solicitor for the practice year should, from a date that is 21 days after the date of receipt by the registered lawyer concerned of notification in writing by the Society of the giving of such direction, have effect subject to a specified condition or conditions, the registered lawyer shall (subject to the provisions of the said Section 59 of the Act of 1994 as to the registered lawyer’s right of appeal to the High Court), within such period of 21 days, surrender his or her current qualifying certificate, and the Society shall, as soon as possible, reissue the practising certificate endorsed with the words (adapted as appropriate): “*Issued subject to [a] specified condition[s] as annexed*” and the Registrar at the same time shall cause to be issued to the registered lawyer concerned a separate document (deemed to be part of the qualifying certificate) headed with the Society’s crest and title and with the words (adapted as appropriate): “*Annexe to qualifying certificate of [name of registered lawyer] of [a] specified condition[s] attached thereto and applicable as and from [date of commencement of applicability of the specified condition or conditions]*” and setting out the text of each specified condition.
- (c) Where a qualifying certificate issued or reissued to a registered lawyer for the practice year is subject to a specified condition or conditions as referred to in clause (a) or (b) of this Regulation:
 - (i) the registered lawyer concerned shall comply with the specified condition or each of the specified conditions, as the case may be, and shall ensure that he or she does not provide legal services to any client of the registered lawyer in breach of such specified condition or conditions, whether or not any such client is made aware of such specified condition or conditions, and

- (ii) the registered lawyer concerned, in any display by him or her of his or her qualifying certificate, shall display with equal prominence adjacent thereto, the annexe thereto setting out the specified condition or conditions to which his or her qualifying certificate is subject.

Dated this 16th day of December 2013

Signed on behalf of the Law Society of Ireland pursuant to Section 79 of the Solicitors Act, 1954.

JOHN P. SHAW

President of the Law Society of Ireland

FIRST SCHEDULE
within referred to

**FORM OF APPLICATION FOR QUALIFYING CERTIFICATE FOR
PRACTICE YEAR ENDING 31ST DECEMBER 2014**

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Law Society of Ireland
 George's Court, George's Lane, Dublin 7. DX 1025 Four Courts.
Qualifying Certificate Application
 for practice year ending 31 December 2014



Law Society of Ireland

This form should be completed in conjunction with the related guidance notes. The guidance notes can be found at www.lawsociety.ie.

Section A - Personal Details**Name of Registered Lawyer:****Name of Firm/Organisation:****Address of Firm/Organisation:****Registered Lawyer Number:**

R E L

Firm Number:

F

Email:**Section B - Status**1. My current professional status in the State is (please as appropriate):

- (a) Sole principal in a registered lawyer's practice
- (b) Partner in a solicitor's practice
- (c) Registered lawyer employed in a solicitor's practice
- (d) Registered lawyer employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body)
- (e) Registered lawyer employed by an independent law centre
- (f) Registered lawyer in the full-time service of the State
- (g) Conveyancing-only registered lawyer employed by a non-solicitor
- (h) Other, please specify:

2. If your status **has changed** during the practice year 2013, state date of change: / / 20133. (a) My nationality is: (b) My home member state is: 4. Name of any other practice(s) than that noted above:

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5. Questions of the Registrar of Solicitors to be answered by each applicant for a Qualifying Certificate, pursuant to the Solicitors Acts 1954 to 2011. Please as appropriate:

To be completed by each applicant whether referable to the period in the State or in any other jurisdiction, including (by addressing the substance of each question) a registered lawyer applying for his/her first Qualifying Certificate.

(a) Has the last Qualifying Certificate issued to you been suspended or issued subject to conditions or been endorsed with conditions? Yes No

Is this application by you for a Qualifying Certificate following upon:

(b) The expiration of a period of suspension from practice? Yes No

(c) Any order permitting your re-admission as a lawyer by any body governing your practice as a lawyer? Yes No

Since the last Qualifying Certificate issued to you:

(d) Have you failed to comply with the Solicitors Acts 1954 to 2011 or with any order or regulation made thereunder, including the Solicitors Accounts Regulations 2001 to 2006? Yes No

(e) Have you failed to comply with any legislation or with any order, direction or regulation in respect of your practice as a lawyer in any other jurisdiction? Yes No

(f) Have you been notified by any body governing your practice as a lawyer that you have failed to exercise adequate personal supervision over any office or place of business? Yes No

(g) Have you been notified by any body governing your practice as a lawyer that you have failed to give an explanation which that body regards as sufficient and satisfactory in respect of any matter affecting your conduct? Yes No

(h) Have you had an order of attachment or committal made against you? Yes No

(i) Have you been adjudicated bankrupt? Yes No

(j) Have you entered into a composition with your creditors or deed of arrangement for the benefit of your creditors including any debt arrangements under the Personal Insolvency Act 2012? Yes No

(k) Have you failed to comply with any order(s) of any court(s)? Yes No

(l) Have you failed to comply with any determination, requirement or direction of any body governing your practice as a lawyer in any jurisdiction? Yes No

(m) Have you been sentenced to a term of imprisonment? Yes No

(n) Have you failed to satisfy any body governing your practice as a lawyer that you are fit to carry on the practice of a lawyer having regard to the state of your physical or mental health? Yes No

(o) Have you failed to satisfy any body governing your practice as a lawyer that, having regard to all the circumstances, including the financial state of your practice, you should be permitted to carry on practice as a lawyer subject to a specified condition or conditions? Yes No

(p) Has (Have) any judgement(s) or decree(s) been given against you (including judgement(s) or decree(s) to which you are entitled, as respects the whole effect of the judgement(s) or decree(s) upon you, to indemnity or relief from any other person(s)) which remain(s) unsatisfied in whole or in part, and in respect of which judgement(s) or decree(s) you have not produced to the Registrar of Solicitors evidence of the satisfaction of such judgement(s) or decree(s)? [If applicable, details should be submitted with this application of any such judgement(s) or decree(s), including (if applicable) evidence of the satisfaction thereof.] Yes No

6. Did you hold a qualifying certificate in 2013? Yes No
If no, you may be required to make a "Section 61" application. Please see guidance notes for further information.

7. Are you authorised as a Personal Insolvency Practitioner in accordance with the provisions of the Personal Insolvency Act 2012? Yes No

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Section C - Investment Business Services or Investment Advice

This Section is required to comply with the Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998) as amended. See Section C of the guidance notes.

If you are a registered lawyer who is an investment business firm or an investment firm within the terms of section 47(1)(a) or (b) of the Investor Compensation Act 1998, please Part I.

If you are **not** a registered lawyer who is an investment business firm or an investment firm within the terms of section 47(1)(a) or (b) of the Investor Compensation Act 1998, Part II applies to you and no action by you is required other than signing the declaration on the last page of this form.

Part I

I am a registered lawyer of the description set out in part I of Section C of the guidance notes and I enclose evidence in writing as set out in part I of Section C of the guidance notes.

YES **Part II**

By signing the declaration on the last page of the form I undertake in the terms set out in Part II of Section C of the Guidance Notes.

Section D - Solicitors Accounts Regulations 2001 to 2006

If you are a sole principal or a partner in private practice or employed by an independent law centre, please ignore this Section.

If you are a registered lawyer in private practice or a registered lawyer employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body), in either case who has not handled clients' moneys during the practice year 2012 other than on behalf of your employer, please this Section if it applies to you.

I have not handled clients' moneys at any time during the practice year 2013 other than on behalf of my employer.

YES **Section E - Professional Indemnity Insurance**

If you are a registered lawyer in private practice or employed by an independent law centre, please ignore this Section.

If you are a registered lawyer who provides legal services for a non-solicitor (e.g. financial institution, commercial entity, statutory body), please if appropriate.

This Part applies to a registered lawyer who provides legal services only as part of an employment within the State to provide legal services to and for your employer, provided that such employer is not also a solicitor or registered lawyer.

I provide legal services only as part of an employment within the State to provide legal services to and for my employer who is not a solicitor or a registered lawyer and I confirm that, for the duration of the current indemnity period, I have not and will not engage in the provision of legal services to and for any person other than my employer and I will notify the Society immediately in writing if I cease to provide legal services only on such basis.

YES **Section F - Continuing Professional Development ("CPD")**

[The 2013 minimum CPD requirement is 14 hours (to include a minimum of 3 hours Management and Professional Development Skills and a minimum of 1 hour Regulatory Matters) during the CPD cycle between 1 January 2013 and 31 December 2013 in accordance with the CPD Scheme provided for pursuant to the Solicitors (Continuing Professional Development) Regulations 2012 (S.I. No. 501 of 2012)].

[Please ONE ONLY of the following options. If in doubt as to which option applies to you, please read the notes on completion of this Section F on related guidance notes]. I HEREBY CERTIFY as follows:

(a) I have completed the 2013 minimum CPD requirement (whether in full or as may be modified in accordance with the CPD Scheme). YES

OR

(b) I have made an application to the Education Committee for special dispensation (whether by way of full or partial exemption or for an extension of time to complete the necessary CPD hours) on the basis of my certified long-term illness or other personal circumstances, and this application **has already been granted**. YES

OR

(c) I failed to complete the 2013 minimum CPD requirement (whether in full or as may be modified in accordance with the CPD Scheme). YES

OR

(d) I am exempt from the 2013 minimum CPD requirement by reason of not having held a practising certificate at any time during 2013 (or not having been employed as a solicitor in the full-time service of the State at any time during 2013 or not having been a European Lawyer registered with the Society holding a qualifying certificate at any time during 2013). YES

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Section G - Data Protection Statement

It is necessary for the Society to collect and record certain personal data relating to each registered lawyer, including the name, practice address, telephone and fax number(s), email address and academic qualifications. Personal data may also be information concerning a registered lawyer arising from the carrying out by the Society of its regulatory functions under the Solicitors Acts 1954 to 2011 and regulations made thereunder, including sensitive personal data such as health records or information relating to the commission or alleged commission of a criminal offence.

The personal data about a registered lawyer maintained by the Society may be used by the Society for administration, management, marketing, promotion of the solicitors profession and professional development purposes, as well as in pursuance of the Society's regulatory functions. See Section G of the guidance notes for examples of the actual or possible uses of such personal data relating to a registered lawyer. You have the right to request in writing a copy of any personal data about yourself that is held by the Society and have such data amended if it is incorrect, incomplete or misleading.

From time to time the Society approves the distribution of marketing information, in relation to products or services that it deems to be of benefit to the profession. If you wish to receive this information by post or e-mail directly from a third party entity please place a in the box here

Declaration

I confirm that I have provided, or will provide, legal services in this jurisdiction in / / 2014

2014 from the following date
I hereby declare that I have read and understood the contents of this application and, to the best of my knowledge, information and belief, the information provided herein is true, complete and accurate. I confirm that I have read the Data Protection Statement set out in Section G.

Signature Date / / **Membership of the Society**

I hereby apply for membership of the Society as a registered lawyer holding a qualifying certificate for the year ending 31 December 2014. YES

For details of member services and benefits see www.lawsociety.ie

Fees

Note: You are registered: over 3 years less than 3 years

To be read in conjunction with the guidance notes. Please as appropriate:

	Solicitors admitted 3 years or more on 1 January 2014	Solicitors admitted less than 3 years on 1 January 2014
(A) Registration fee	€ 1,375 <input type="checkbox"/>	€ 1,075 <input type="checkbox"/>
(B) Compensation Fund contribution	€ 760 <input type="checkbox"/>	€ 760 <input type="checkbox"/>
(C) Solicitors Mutual Defence Fund contribution	€ 200 <input type="checkbox"/>	€ 200 <input type="checkbox"/>
(D) Membership subscription	€ 85 <input type="checkbox"/>	€ 55 <input type="checkbox"/>
(E) Membership subscription if admitted during the year 2014		€ 20 <input type="checkbox"/>
(F) Free membership if admitted over 50 years	€ 0 <input type="checkbox"/>	
(G) Solicitors Benevolent Association contribution	€ 50 <input type="checkbox"/>	€ 30 <input type="checkbox"/>
(H) Free Legal Advice Centres contribution	€ 15 <input type="checkbox"/>	€ 15 <input type="checkbox"/>
(I) Community Law Centres contribution	€ 15 <input type="checkbox"/>	€ 15 <input type="checkbox"/>

TOTAL ENCLOSED REMITTANCE€ , € , **Payment Methods****Cheque:**

Make payable to 'Law Society of Ireland'

Payment Method, please as appropriate

Electronic Funds Transfer:

Bank of Ireland, 2 College Green, Dublin 2

A/C: Law Society of Ireland

Swift Code: BOFIE2D

IBAN: IE40BOFI 900017 30082086

Ref: (Firm name or number)

Other **Cheque** **EFT**

Credit card payments not accepted. If you are paying by EFT, the EFT payment form must be completed and returned with this form. Failure to do so will result in the application form being returned as incomplete.

SECOND SCHEDULE
within referred to

EURO

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|-----|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------|
| (a) | Registration Fee for the practice year ending on the 31 st day of December 2014 payable to the Society on application for a qualifying certificate by an applicant registered lawyer admitted to the Register of Registered Lawyers for three years or more on the 1 st day of January 2014: | €1,375.00 |
| (b) | Registration Fee for the practice year ending on the 31 st day of December 2014 payable to the Society on application for a qualifying certificate by an applicant registered lawyer originally admitted to the Register of Registered Lawyers for less than three years on the 1 st day of January 2014: | €1,075.00 |
| (c) | Contribution to the Compensation Fund for the practice year ending on the 31 st day of December 2014 payable to the Society on application for a qualifying certificate by an applicant registered lawyer: | €760.00 |
| (d) | Contribution for the Solicitors Mutual Defence Fund Limited for the practice year ending on the 31 st day of December 2014 payable to the Society on application for a qualifying certificate by an applicant registered lawyer: | €200.00 |
| (e) | Fee payable to the Society on each application, pursuant to Section 17 of the Solicitors (Amendment) Act 1960, for a copy of an entry on File A or File B: | €100.00 |
| (f) | Fee payable to the Society on each application, pursuant to Regulation 8 of these Regulations, for the issue of a duplicate original qualifying certificate for the practice year. | €50.00 |

THIRD SCHEDULE

within referred to

**Law Society of Ireland
Qualifying certificate Application
for the practice year ending 31 December 2014**

GUIDANCE NOTES

GENERAL

Why you need a qualifying certificate

It is professional misconduct and a criminal offence for a solicitor (other than a solicitor in the full-time service of the State) to practise without a qualifying certificate. A solicitor shall be deemed to practise as a solicitor if he or she engages in the provision of legal services. 'Legal services' are services of a legal or financial nature provided by a solicitor arising from that solicitor's practice as a solicitor.

It should be noted that it is not permissible for a firm to classify a solicitor employed by a firm as a 'legal executive' or 'paralegal' with a view to avoiding the requirement to hold a qualifying certificate if the solicitor is engaged in the provision of legal services.

The actions that can be taken against a solicitor found to be practising without a qualifying certificate include a referral to the Solicitors Disciplinary Tribunal, an application to the High Court, and a report to An Garda Síochána.

Qualifying certificate application forms and fees

Application forms will be issued after 17th December 2013. Application forms for solicitors in private practice will be forwarded to the principal or the managing partner in each practice, rather than to each solicitor.

The practising fees due for the year are set out in the application form. Please note that as payment of qualifying certificate fees is a statutory obligation rather than the discharge of a bill for services provided the Society does not furnish invoices in respect of qualifying certificate fees payable notwithstanding any company policy that may require invoices.

When you must apply

A qualifying certificate must be applied for on or before 1st February in each year in order to be dated 1st January of that year and thereby operate as a qualification to practise from the commencement of the year.

It is therefore a legal requirement for a practising solicitor to deliver, or cause to be delivered, to the Registrar of Solicitors, on or before 1st February 2014, an application in the prescribed form correctly completed and signed by the applicant solicitor personally, together with the appropriate fee.

The onus is on each solicitor to ensure that his or her application form and fee is delivered on or before 1st February 2014. Applications should be delivered to: Regulation Department, Law Society of Ireland, George's Court, George's Lane, Dublin 7; DX 1025 Four Courts. It should be noted that 1st February 2014 falls on a Saturday.

It should be further noted that any incorrectly completed application form, or applications without full payment attached, will be considered to be incomplete application, cannot be processed and will be returned. Qualifying certificates will be dated the date that the Society actually receives a properly completed application with full payment.

Therefore, solicitors are strongly advised to read and take full account of the qualifying certificate application form guidelines when completing the form and are required to ensure that the Society receives full payment of the fees due with the application form.

What happens if you apply late-

Any applications for qualifying certificates that are received after 1st February 2014 will result in the qualifying certificates being dated the date of actual receipt by the Registrar of Solicitors, rather than 1st January 2014. There is no legal power to allow any period of grace under any circumstances whatsoever.

Please note that, as mentioned above, it is professional misconduct and a criminal offence to provide legal services as a solicitor without a qualifying certificate in force. Therefore, solicitors whose properly completed qualifying certificate application forms and payment are received after 1st February 2014 and whose qualifying certificates are therefore dated after 1st February 2014, who have provided legal services before that date, are strongly advised to make an application to the President of the High Court to have their qualifying certificates backdated to 1st January 2014. Further information on backdating qualifying certificates can be obtained from the Practice Regulation Section of the Society by emailing pc@lawsociety.ie.

The Regulation of Practice Committee is the regulatory committee of the Society that has responsibility for supervising compliance with qualifying certificate requirements. A special meeting of this committee will be held on a date after 1st February 2014, to be decided at a later date, to consider any late or unresolved applications for qualifying certificates. At this meeting, any practising solicitors who have not applied by that date for a qualifying certificate will be considered for referral forthwith to the Solicitors Disciplinary Tribunal and will be informed that the Society reserves the right to take proceedings for an order under section 18 of the *Solicitors (Amendment) Act 2002* to prohibit them from practising illegally.

If you are an employed solicitor

Solicitors who are employed should note that it is the statutory obligation of every solicitor who requires a qualifying certificate to ensure that he or she has a qualifying certificate in force from the commencement of the year.

Employed solicitors cannot absolve themselves from this responsibility by relying on their employers to procure their qualifying certificates. However, it is the Society's recommendation that all employers should pay for the qualifying certificate of solicitors employed by them.

Please note that the qualifying certificate remains the property of the solicitor, regardless of who has paid for the qualifying certificate.

If you are a solicitor in the full-time service of the State

There is a specially adapted form for solicitors in the full-time service of the State.

Some of your details are already on the application form

The qualifying certificate application form will be issued with certain information relating to each solicitor's practice already completed. Such information will include the relevant fees due by each solicitor and where applicable, provided date of birth has been notified to the Society, will include allowance for those solicitors of 70 years or over, to take account of the fact that they will not be covered under the provisions of the Solicitors' Group Life Cover Scheme.

Payment by electronic funds transfer (EFT)

All qualifying certificate application forms sent out will include an EFT payment form. Any solicitor wishing to pay the qualifying certificate fee by EFT must complete and return the EFT payment form with their qualifying certificate application form. **Failure to do so will result in the application form being returned as incomplete, notwithstanding that the fees due may actually have been received by the Society.**

Each EFT payment must have an easily identifiable specific reference, such as the firm or company name, the solicitor's name or the solicitor's number. General references, such as 'Law Society' or 'qualifying certificate' will not be accepted and may result in a significant delay in the issuing of the qualifying certificate as the Society may not be able to identify your specific payment without an easily identifiable specific reference. The payment reference used must be included in the EFT form. **Failure to include this information will result in the application form being returned as incomplete, notwithstanding that the fees due may actually have been received by the Society.**

The Society's bank account details are included in the EFT payment form. The Society cannot be held responsible for any delay which occurs in processing applications to obtain a qualifying certificate where payment has been forwarded to another Law Society account which does not deal with qualifying certificate/membership fees. You are required to ensure that the monies have been sent to the correct account as listed in the EFT payment form regardless of which account you sent the fees to in previous years.

Law Directory 2014

It is intended that the Law Directory 2014 will note all solicitors who have been issued with a qualifying certificate by 19th February 2014. Qualifying certificates can only be issued following receipt of a properly completed application form together with full payment, with no outstanding queries raised thereon.

It should be noted that only those solicitors with qualifying certificates **issued** by 19th February 2014 will be included in the Law Directory, not every solicitor who has submitted an application form by 19th February 2014.

Therefore, in order to ensure that your qualifying certificate issues by 19th February 2014 to enable you to be included in the Law Directory, you should ensure that the application form you return to the Society is completed correctly and includes full payment of fees due.

If the form is not completed correctly, or fees have not been paid in full or the EFT form has not be included in the case of EFT payments (notwithstanding that the fees due may actually have been received by the Society), it will be necessary for the Society to return the form, which may result in delaying the issue of your qualifying certificate, despite the fact that you had applied for the qualifying certificate prior to 19th February 2014.

The details of any solicitor whose qualifying certificate issues after 19th February 2014 will not be included in the Law Directory, but will be included in the ‘Find a Solicitor’ search facility on the Society’s website, provided the solicitor is a practising solicitor. A practising solicitor is a solicitor with a current qualifying certificate and either professional indemnity insurance in place or an exemption from holding professional indemnity insurance as a solicitor employee of a non-solicitor employer.

What you can access on the website (www.lawsociety.ie)

Your individual pre-populated application form and a blank editable application form will also become available on the members’ area of the Law Society website after 17th December 2013, which you can complete online prior to printing a copy for signing and returning to the Society with the full appropriate fee. This area is accessible by using your username and password.

If you require assistance, please visit www.lawsociety.ie/help. In addition, you may request a form to be emailed to you by emailing: pc@lawsociety.ie.

If you did not hold a qualifying certificate for 2013

If you did not hold a qualifying certificate for 2013 (with the exception of solicitors in the full-time service of the State in 2013), and apply for a qualifying certificate in 2014, you may be required to make a “section 61” application, in accordance with section 49 of the Solicitors Act 1954 as substituted by section 61 of the Solicitors (Amendment) Act 1994, setting out in writing how you kept up to date with legal matters since you were last issued with a qualifying certificate.

Solicitors who have not held a qualifying certificate for 3 years or more prior to the date of application for a qualifying certificate in 2014 will be required to make a section 61 application, and this application should be included with your qualifying certificate application. If your application is received without a section 61 application, the application will be considered to be incomplete and will not be processed until such time as the section 61 application is received.

Solicitors who have held a qualifying certificate within 3 years of the date of application for a qualifying certificate in 2014, but did not hold a qualifying certificate in 2013, should enquire whether they are required to submit a section 61 application by emailing the Society at pc@renewals.ie.

The Section 61 application form is available to download in the member's area of the Society's website, or can be requested by emailing pc@renewals.ie.

Change of practising status

If you held a qualifying certificate in 2013, and do not intend to practise for some or all of 2014, including the following situations, you should notify the Society in writing with the relevant details before 1st February 2014:

you recently ceased to practice, or are intending to cease to practice in the coming year;

you will not be practising in 2014 for any reason, including unemployment, career break, change of career, emigration, sick leave or maternity leave; or

you will not be providing legal services, and will therefore not be applying for a qualifying certificate until after 1st February 2014 for any reason, including unemployment, career break, sick leave and maternity leave.

You should provide the Society with a current correspondence address and email address to allow the Society to communicate with you if you are not practising.

If there is any change in your practising status during the year, you should immediately notify the Society in writing with the relevant information to ensure that your practising status is up to date.

Change of practice

If you have changed firms during the year, and have not previously notified the Society in writing of this change, you must do so immediately, in accordance with the provisions of section 81 of the Solicitors Act 1954. You should include the date you left your former firm, and the date you joined your new firm, together with the name and address of the new firm.

Failure to provide this information before 17th December 2013 may result in your qualifying certificate application form and information being sent to your former practice, as the Society will not have your up-to-date contact information.

You can check the current contact information for you held by the Society through the 'Find a Solicitor' search facility on the Society's website.

Acknowledgement of application forms

Please note that it is not the Society's policy to acknowledge receipt of application forms or fee payments. If in doubt that your application form will arrive on time, or at all, send by registered post, tracked DX or courier.

Issuing a qualifying certificate

Please note that acceptance of an application form and fees by the Society is no guarantee that a qualifying certificate will be issued. There are a number of factors that may result in the Society deciding not to issue a solicitor with a qualifying certificate, including matters arising under section 49 of the Solicitors Act 1954, as substituted by section 61 of the Solicitors (Amendment) Act 1994, as amended by section 2 of the Solicitors (Amendment) Act 2002. If a qualifying certificate is not issued to a solicitor, the relevant fees will be refunded.

Duplicate qualifying certificate

Please note that a fee of €50 will be payable in respect of each duplicate qualifying certificate issued for any purpose.

Refund of qualifying certificate fees

Solicitors may only be issued with one qualifying certificate in any practice year. A qualifying certificate is a licence to practise and remains in force whether or not the solicitor chooses to practise. The issue date of the qualifying certificate is the date on which the qualifying certificate comes into force until the 31st December in the same practice year and indicates the date from which you are reflected as practising on the Society records.

If you cease to practice during the practice year, including for reasons of sick leave or maternity leave, and will not be practising for the rest of the year, you may surrender your qualifying certificate and apply to the Society for an ex gratia refund of your qualifying certificate fees for the remainder of the year.

In order to be considered for a refund of your qualifying certificate fees you must ensure that:

1. you immediately notified the Society in writing when you ceased to practise;
2. you have fully completed and submitted a qualifying certificate surrender form, together with the original of your current qualifying certificate;
3. you have made your application in the same in practice year in which you ceased to practice.

Please note that, as the qualifying certificate is the property of the solicitor regardless of who paid for the qualifying certificate, the qualifying certificate surrender form must be completed by the solicitor who is surrendering their

qualifying certificate. However, the solicitor may direct that their refund, if granted, be issued to a nominated third party, including their former practice.

As stated previously, solicitors may only be issued with one qualifying certificate in any practice year. Therefore, solicitors may not surrender their qualifying certificate to obtain a refund, and then reapply for another qualifying certificate during the same year. Any solicitor that does so will be required to pay back the entire refund issued for their qualifying certificate in order to obtain the original qualifying certificate again, even if they have not been practising in the intervening period.

Please note that no refund will be issued for solicitors that have applied for a qualifying certificate from the start of the year, and subsequently claim that they commenced practising later than the date their qualifying certificate issued. Such solicitors should have properly applied for a qualifying certificate to be issued as at the date they actually commence practising.

Please note that this is an *ex gratia* refund application. Therefore, it is at the absolute discretion of the Society whether to issue a refund and the Society is under no obligation whatsoever to issue a refund. The application form is available to download on the Society's website, or can be obtained by emailing pc@lawsociety.ie.

QUALIFYING CERTIFICATE APPLICATION FORM

Completion of the application form

The application form must be properly completed and dated and signed personally by the applicant. In order for an application to be considered as properly completed, it must also include full payment of the fees due.

If any details are omitted from the application form, or the full fees or EFT form (in the case of EFT payments) are not included with the application, it may be returned to the applicant for proper completion and re-submission, which could result in delay in issuing a qualifying certificate to the applicant.

The application form must be properly completed by a solicitor engaged (or intending to engage) during the practice year ending 31st December 2014 in the provision of legal services, whether as a sole practitioner or as a partner in a solicitor's practice or as an employee (whether of a solicitor(s) or of any other person or body), including a solicitor who does not require a qualifying certificate by reason of being a solicitor in the full-time service of the State (*within the meaning of section 54 of the Solicitors Act, 1954, as substituted by section 62 of the Solicitors (Amendment) Act 1994*) (in such cases by completing the special application form for such cases) or by reason of being a solicitor employed full-time in the State to provide conveyancing services only to and for his/her non-solicitor employer (*section 56 of the Solicitors (Amendment) Act 1994*).

The practice year coincides with the calendar year. The application form must be received by the Registrar at the Society's premises, George's Court, George's Lane, Dublin 7, on or before 1st February 2014 in order for the qualifying certificate to be dated 1st January 2014 and thereby to operate as a qualification to practise from the commencement of the practice year 2014.

A qualifying certificate issued after 1st February 2014 must, in accordance with *Section 48 of the Solicitors Act 1954 as amended by Section 55 of the Solicitors (Amendment) Act 1994* bear the date on which the application is actually received by the Registrar. An application is not considered as actually received unless it is a properly completed application with full payment.

Section A — Personal Details

If any details in this section are incorrect, please either amend the form or enclose an explanatory letter with the form.

Section B — Status

Please complete this Section as indicated on the application form.

Notes in relation to particular parts of this Section:

- 1(h) For the purposes of this option “independent law centre” has the meaning provided for in *The Solicitors Acts 1954 to 2002 (Independent Law Centres) Regulations 2006 (S.I. No. 103 of 2006)*, as amended.
- 1(j) A solicitor to whom this option applies is not required to hold a qualifying certificate, but should complete the form as if applying for a qualifying certificate. No fee will be charged for a qualifying certificate and no qualifying certificate will be issued.
- 5. The questions of the Registrar of Solicitors are to be answered by each applicant, including a solicitor in the full-time service of the State and a conveyancing-only solicitor employed by a non-solicitor. Replies to these questions should also include any matters that have arisen in another jurisdiction. It should be noted that amendments have been made to section 5(i) to include any debt arrangements under the Personal Insolvency Act 2012.
- 6. A solicitor that has not held a qualifying certificate in 2013 may be required to make a ‘Section 61’ application. Further details can be found in the guidance notes above.
- 7. This section applies to any solicitor that has been authorised as a personal insolvency practitioner by the Insolvency Service of Ireland in accordance with the provisions of the Personal Insolvency Act 2012.

Section C — Investment Business Services or Investment Advice

This Section is required to comply with *The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998)* as amended.

Part I of this Section applies to a solicitor who is an investment business firm or an investment firm within the terms of *Section 47(1)(a) or (b) of the Investor Compensation Act 1998*.

Part II of this Section applies to all other solicitors. In the form for solicitors in the full-time service of the State this Section is not divided into parts.

Text of *Investor Compensation Act 1998 Section 47(1)(a) and (b)*

(a) *A solicitor in respect of whom a qualifying certificate (within the meaning of the Solicitors Acts 1954 to [1994]) is in force shall be an investment business firm—*

(i) *where the solicitor provides investment business services or investment advice in a manner which is not incidental to the provision of legal services, or*

(ii) *where the solicitor holds himself or herself out as being an investment business firm, or*

(iii) *where, when acting as an investment product intermediary in a manner incidental to the provision of legal services, the solicitor holds an appointment in writing other than from-*

(I) *an investment firm authorised in accordance with the Investment Services Directive by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the Stock Exchange Act 1995, or*

(II) *a credit institution authorised in accordance with Directives 77/780/EEC of 12 December 1977 and 89/646/EEC of 15 December 1989, or*

(III) *a manager of a collective investment undertaking authorised to market units in collective investments to the public,*

which is situate in the State or the relevant branch of which is situate in the State,

and shall be required to be authorised as an authorised investment business firm pursuant to the provisions of the [Investment Intermediaries Act] 1995.

(b) *A solicitor, in respect of whom a qualifying certificate (within the meaning of the Solicitors Acts 1954 to [1994]) is in force, who is an insurance intermediary or who holds himself [or herself] out to be an insurance intermediary shall be an investment firm for the purposes of this Act and shall inform the [Irish Financial Services Regulatory Authority]*

and [The Investor Compensation Company Limited] *that he or she is an investment firm for the purposes of this Act.*

Section C, Part I

The terms of the description referred to in Part I of this Section and the terms of the evidence in writing referred to in Part I of this Section are as follows:

1. I am a solicitor who-----

- (a) provides investment business services (including acting as an insurance intermediary) or investment advice in a manner which is not incidental to the provision of legal services, or
- (b) holds himself/herself out as being an investment business firm, or
- (c) when acting as an investment product intermediary in a manner incidental to the provision of legal services, holds an appointment in writing other than from
 - (i) an investment firm authorised in accordance with the Investment Services Directive by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the *Stock Exchange Act 1995*, or
 - (ii) a credit institution authorised in accordance with *Directives 77/780/EEC* of 12 December 1977 and *89/646/EEC* of 15 December 1989, or
 - (iii) a manager of a collective investment undertaking authorised to market units in collective investments to the public,

which is situate in the State or the relevant branch of which is situate in the State,

and am therefore an investment business firm required to be authorised as an authorised investment business firm pursuant to the provisions of the *Investment Intermediaries Act 1995* (as amended by the *Investor Compensation Act 1998*), or am an insurance intermediary and/or have held myself out as an insurance intermediary who is required to inform the Central Bank of Ireland and The Investor Compensation Company Limited of that fact.

2. I attach to my application form evidence in writing:

- (a) either—
 - (i) of having been authorised by the Central Bank of Ireland as an authorised investment business firm; or

- (ii) of having informed the Central Bank of Ireland and The Investor Compensation Company Limited that I am an insurance intermediary and/or that I have held myself out as an insurance intermediary;
- (b) of the fact of the payment by me (or on my behalf) of such contribution to the fund established and maintained pursuant to *section 19 of the Investor Compensation Act 1998* as may be required by The Investor Compensation Company Limited under *section 21* of that Act;
- (c) of having in place, valid and irrevocable for at least the duration of the practice year ending on 31 December 2014, a bond or bank guarantee and a policy of insurance, each acceptable to the Society, by way of providing indemnity against losses that may be suffered by a client in respect of default (whether arising from dishonesty or from breach of contract, negligence or other civil wrong) on my part, or any employee, agent or independent contractor engaged by me, as shall, in the opinion of the Society (taking into account the maximum amount of compensation for default that would be payable to a client secured by reason of the payment made by me referred to in (b) above), be equivalent to the indemnity against losses that would be provided to a client of a solicitor (in respect of whom a qualifying certificate is in force) in the provision of legal services by means of—
 - (i) the Compensation Fund as provided for in accordance with section 21 (as substituted by *section 29 of the Solicitors (Amendment Act 1994) of the Solicitors (Amendment) Act 1960*, and
 - (ii) the minimum level of cover as provided for in accordance with *The Solicitors Acts 1954 to 2008 (Professional Indemnity Insurance) Regulations 2011 (S.I. No. 409 of 2011)*, as amended.

Section C, Part II

The terms of the undertaking referred in Part II of this Section are as follows:

I hereby undertake that:

- (a) I will not provide investment business services (including acting as an insurance intermediary) or investment advice to clients or, if I do so, I will do so only when incidental to the provision of legal services to such clients;
- (b) *I will not hold myself out as being an investment business firm or an insurance intermediary;*
- (c) If I provide investment business services or investment advice to clients incidental to the provision of legal services to such clients and

when acting as an investment product intermediary, I will not hold an appointment in writing other than from:

- (i) an investment firm authorised in accordance with *Directive 93/22/EEC* of 10 May 1993 by a competent authority of another Member State, or an authorised investment business firm (not being a restricted activity investment product intermediary or a certified person), or a member firm within the meaning of the *Stock Exchange Act 1995*, or
 - (ii) a credit institution authorised in accordance with *Directives 77/780/EEC of 12 December 1977 and 89/646/EEC of 15 December 1989*, or
 - (iii) a manager of a collective investment undertaking authorised to market units in collective investments to the public, which is situate in the State or the relevant branch of which is situate in the State; and
- (d) *if at any time during the course of the practice year ending on 31st December 2014 I propose to become an investment business firm or an investment firm in one or more of the circumstances set forth in Section 47(1)(a) or (b) of the Investor Compensation Act 1998, I will notify the Society in writing of that fact at least seven days before such proposed event and shall, within fourteen days of such notification, comply with the provisions of Regulation 6 of The Solicitors Acts 1954 to 1994 (Investment Business and Investor Compensation) Regulations 1998 (S.I. No. 439 of 1998), as amended.*

Section D — Solicitors Accounts Regulations 2001 to 2006

This Section should be completed only by an employed solicitor in private practice or by a solicitor employed by a non-solicitor (e.g. financial institution, commercial entity, statutory body), in either case who has not handled clients' moneys during the practice year 2013 other than on behalf of the employer.

Section E — Professional Indemnity Insurance

This Section should be completed only by a solicitor who provides legal services for a non-solicitor (e.g. financial institution, commercial entity, statutory body) or a solicitor who provides legal services from an establishment outside the State. If either status applies to you, please complete either Part I or Part II, as appropriate. In the form for solicitors in the full-time service of the State this Section is not divided into parts.

For the purposes of this Section words and phrases which are assigned meanings by The Solicitors Acts 1954 to 2008 (Professional Indemnity Insurance) Regulations 2011 (S.I. No. 409 of 2011), as amended, shall have the meanings so assigned.

Section F — Continuing Professional Development (CPD)

Completion of Section F of this application is the initial means of verifying compliance with the 2013 minimum CPD requirement. The CPD requirement for 2013 applies to a solicitor who held a qualifying certificate, and/or a solicitor in the full-time service of the State, and/or a European lawyer registered with the Society holding a qualifying certificate, at any time during 2013. A solicitor who does not fall into any of these categories should tick option (d).

Solicitors who have completed the 2013 minimum CPD requirement in accordance with the Scheme should tick option (a). The 2013 CPD Scheme allows for the minimum CPD requirement to be modified in certain limited circumstances, including for:

- (i) a senior practitioner;
- (ii) maternity/parental/carers/adoptive leave;
- (iii) part-year practice;
- (iv) unemployment;
- (v) part-time practice.

The limited circumstances in which these modifications may be claimed and the method of calculating the modified CPD requirement are set out in the current CPD Scheme booklet. No application to the Education Committee is required to claim such a modification. A solicitor who is entitled to modify his/her minimum CPD requirement under the Scheme and who completed that modified CPD requirement should tick option (a). A solicitor who is entitled to modify his/her minimum CPD requirement under the Scheme but who failed to complete that modified CPD requirement should tick option (c).

A solicitor may make an individual application to the Education Committee for special dispensation from the minimum CPD requirement (whether by way of full or partial exemption or for an extension of time to complete the necessary CPD hours) in cases of certified long-term illness or other personal circumstances. Only a solicitor who has made such an application to the Education Committee **which has already been granted** should tick option (b).

A solicitor who has failed to complete the 2013 minimum CPD requirement (in full or as may be modified under the Scheme) and who has not made an application to the Education Committee for special dispensation should tick option (c). A solicitor to whom option (c) applies and who now wishes to make an application to the Education Committee for special dispensation should **separately** write to the CPD Scheme Unit.

The current CPD Scheme booklet and *S.I. No. 501 of 2012* are available to download from the CPD Scheme section in the Members' Area of the Society's website (www.lawsociety.ie). For further information, contact the CPD Scheme Unit (tel: 01 6724802, post: CPD Scheme Unit, Law Society of Ireland, Blackhall Place, Dublin 7 or email: cpdscheme@lawsociety.ie).

An applicant should **not** return his/her CPD record card with this qualifying certificate application. The Society may subsequently request sight of an applicant's record card and proof of completion of the CPD during the 2013 CPD cycle as part of the Society's CPD audit review process.

Section G — Data Protection Statement

Examples of the actual or possible uses of personal data relating to a solicitor include the following:

- the provision of data to insurers providing professional indemnity insurance cover and brokers arranging such cover and to the SPF manager;
- the circulation of the Society's Gazette to a solicitor member of the Society, which may include or be accompanied by commercially-related material;
- publication in electronic or hardcopy form the annual Law Directory or any on line solicitor search facility;
- the reference to a solicitor on the Roll of Solicitors and/or on the Register of Practising Solicitors and/or in the records of professional indemnity insurance cover of solicitors maintained by the Society;
- the reference to a solicitor on the Society's website;
- the provision by the Society to a solicitor candidate for the Society's annual elections or a solicitor candidate for a Dáil or Seanad election of the practice address and/or e-mail address of a solicitor;
- the furnishing of information relating to the good standing of a solicitor, including information recorded on the Roll of Solicitors and on the Register of Practising Solicitors or in the records of professional indemnity insurance cover maintained by the Society, when requested, to Irish governmental agencies (e.g. Judicial Appointments Advisory Board) or to foreign governmental agencies (including governmental agencies outside the European Union) or to commercial entities or to individual members of the public;
- the provision of information by the Society to a specific commercial entity of the practice address and/or e-mail address pursuant to an expressly recorded decision of the Society that it is beneficial to do so for defined marketing or professional or practice development purposes;
- the provision of information by the Society of the practice address and/or e-mail address of a solicitor to third party non-commercial entities, e.g. Bar Associations, Courts Service etc which provide useful information or services to the profession;
- the provision of information by the Society to a firm of solicitors or another body employing solicitors of information both electronically and in hard copy form, as to the attendance record of individual solicitors within the firm or body relating to Continuing Professional Development; and

- the furnishing of information to the Solicitor's Benevolent Association in relation to contributions made to them through the Qualifying certificate fee.

Declaration

Please include the date from which you intend to provide or commenced providing legal services in this jurisdiction in 2014. For example, if you will be (or have been) providing legal services from 1st January 2014, you should include this date in the form. If you will not provide legal services until a later date, for example 30th June 2014, you should include this date in the form. Please note that you are prohibited from providing legal services without having a valid qualifying certificate in place.

Please sign and date the declaration as indicated on the application form. The declaration must be signed by the applicant solicitor personally.

Membership of the Society

Please tick the box if you wish to be a member of the Society for the year ending 31st December 2014.

Fees

1. The registration fee (A), the Compensation Fund contribution (B) and the Solicitors Mutual Defence Fund contribution (C) are required to be paid by each applicant for a qualifying certificate. **These are mandatory fees and must be paid before a qualifying certificate can be issued.**
2. A solicitor admitted during the practice year commencing 1st January 2014, if applying for his/her first qualifying certificate during the practice year 2014, may calculate the registration fee, the Compensation Fund contribution and the Solicitors Mutual Defence Fund contribution payable by him or her on the basis of the number of full calendar months remaining in that practice year following the month of his/her admission, and the solicitor's membership subscription in respect of the year (or part thereof) of his/her admission shall be at the reduced rate of €20.

A solicitor admitted to the Roll for at least 50 years on 1st January 2014 is entitled to be a member of the Society without payment of a membership subscription. Therefore it is not necessary for such a solicitor to pay the €85 membership subscription when applying for a qualifying certificate.

A solicitor who has commenced practising during the practice year (after 1st February 2014) is only required to pay the qualifying certificate fee on a pro rata basis and may therefore calculate the registration fee, the Compensation Fund contribution and the Solicitors Mutual Defence Fund contribution payable by him or her on the basis of the number of full calendar months or any part thereof remaining in the practice year including the month in which the application is made. For example, if a solicitor commences practising on 18th June 2014, he or she will be required to pay a pro rata fee of seven-twelfths of the annual fee.

3. Payment of the annual membership subscription and/or the Solicitors Benevolent Association contribution and/or the Free Legal Advice Centres contribution and/or Community Law Centres contribution is/are not a condition(s) precedent to the issuing to a solicitor of a Qualifying certificate. However, unless a solicitor pays the annual membership subscription, he/she cannot enjoy the benefits of being a member of the Society as provided for in the Society's Bye-Laws, including the right to vote in annual and provincial elections and the right to receive the Society's Gazette. The voluntary contribution to Community Law Centres will be allocated to the Ballymun Community Law Centre and the Northside Community Law Centre.

Payment Methods

Please pay the fees due by cheque or electronic funds transfer as indicated on the application form.

If paying by electronic funds transfer (EFT), it is mandatory to complete and enclose the EFT payment form with the qualifying certificate application form. Failure to do so will result in the application form being returned as incomplete, notwithstanding that the fees due may actually have been received by the Society. EFT payments are more fully described in the general section of these guidance notes.

If paying by cheque, failure to include a completed valid cheque will result in the application form being returned as incomplete.

There is no discretion to waive the requirement for solicitors to pay in full for the qualifying certificate before the qualifying certificate is issued to the solicitor. The qualifying certificate will issue dated the actual date that the Society received the properly completed form and full payment of fees due. In this regard, attention is drawn to the deadline of 21st February 2014 for inclusion in the Law Directory 2014 which is more fully described in the general section of these guidance notes.

BAILE ÁTHA CLIATH
ARNA FHOILSIÚ AG OIFIG AN tSOLÁTHAIR
Le ceannach díreach ó
FOILSEACHÁIN RIALTAIS,
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